

1992

SUBDIVISION REGULATIONS

OF THE

TOWN OF DARIEN



PLANNING & ZONING COMMISSION

SUBDIVISION REGULATIONS
OF THE
TOWN OF DARIEN, CONNECTICUT

As Amended by the Planning and Zoning Commission on March 10, 1992
and Effective April 5, 1992



Subdivision Regulations for the Town of Darien were adopted in their present form by the Town Planning and Zoning Commission, effective December 6, 1951. The regulations were comprehensively revised, effective June 6, 1958. The second comprehensive revision of the Regulations became effective July 1, 1979. This current comprehensive revision became effective April 5, 1992. Any amendments since that time are included within Appendix B, Schedule of Amendments.

The latest amendment to the Subdivision Regulations became effective on June 7, 2009.

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SUBDIVISION REGULATIONS OF THE TOWN OF DARIEN, CONNECTICUT

I. ARTICLE I – AUTHORITY AND POLICY

SECTION A. AUTHORITY

Pursuant to the authority conferred by Chapter 126 and other applicable sections of the General Statutes of the State of Connecticut, as amended, the Planning and Zoning Commission of the Town of Darien adopts the following rules and regulations governing the subdivision of land.

SECTION B. POLICY AND PURPOSES

The policy of the Planning and Zoning Commission is to consider land subdivisions as part of a plan for the orderly, efficient, economical and environmentally sound development of the Town. The policy means, among other things, that these regulations are designed to achieve the following purposes in carrying out this policy:

1. land to be subdivided shall be of such character that it can be used for building purposes without danger to health or public safety;
2. proper provisions shall be made for water supply, sewage disposal, storm drainage, and other required utilities;
3. in areas contiguous to brooks, rivers, or other bodies of water subject to flooding, including tidal areas, proper provision shall be made for flood protection, including effects on neighboring properties and downstream areas, or properties;
4. proper measures shall be taken to prevent or minimize erosion, sedimentation, or other adverse effects on the natural environment;
5. proposed streets must be in harmony with existing or proposed principal thoroughfares shown on the Town's Plan of Development as adopted by the Commission, especially in regard to safe intersections with such thoroughfares; the proposed streets must be so arranged and of such width as to provide an adequate and convenient system for present and prospective traffic needs and necessary access for emergency vehicles;
6. lots, streets, and related elements must be designed to protect and preserve natural features and avoid unnecessary degradation of the natural environment;
7. in areas deemed proper or necessary by the Commission, permanent open space reserves shall be established;

8. energy efficient patterns of development, including the use of solar and other renewable forms of energy and energy conservation, shall be encouraged.

The Commission's policy requires, furthermore, that the necessary improvements, measures and services to enable healthy, safe and economical development shall be provided as an integral part of new subdivisions or resubdivisions.

II. ARTICLE II – SUBDIVISION APPLICATION PROCEDURE

SECTION A. GENERAL REQUIREMENTS

1. No subdivision or resubdivision of land or issuance of a permit for the erection of a structure in a proposed development shall be made, and no land in any subdivision or resubdivision shall be sold or offered for sale or lease, until a plan of subdivision, prepared in accordance with the requirements of these regulations, has been approved by the Planning and Zoning Commission and has been filed in the Office of the Town Clerk. Approval of plans for subdivision or resubdivision will be given by the Commission in accordance with the requirements and procedures established by these Regulations.

In all other instances, where a division of land or adjustment of a property line is involved, the plan shall be subject to an administrative review by the Planning and Zoning Director or his official designee, who shall determine that all prevailing regulations and requirements have been complied with. A stamp signed by the Director or his designee, shall be placed upon said plan which shall then be eligible for filing within the Darien Land Records.

2. The subdivider or owner of real property shall not proceed with construction work of any kind which may affect the arrangement of streets or location of buildable areas until approval of the Subdivision Plan has been obtained from the Commission. Work shall include, but not be limited to, clearing, grubbing, excavating, grading, blasting or other similar activities.
3. Land of such geophysical nature that, in its present state, cannot be used for building purposes because of danger to health, or the public safety, because of peril from fire or flood, or other conditions, such as difficult drainage, configuration, inaccessibility, temporary flooding, erosion, steep sloping topography, wetlands, swamps, large rock outcrops, or high ground-water level, shall not be planned for residential use, nor for other such uses as may increase danger to health, life or property, or aggravate or create a flood hazard, unless appropriate measures have been taken by the subdivider to correct such hazard in accordance with the specifications declared a part of these Regulations, or the specific requirements established by the Planning and Zoning Commission, pursuant to these Regulations.
4. Before preparing and submitting an application for subdivision, the subdivider shall familiarize himself with the provisions of these Regulations, the Town Plan of Development, the Zoning Regulations and Map, the specifications setting forth requirements for street layout, construction, utility installation, and for improvement of adverse geophysical conditions.
5. All utilities within a proposed subdivision to be provided from a public source, such as water, sewer, electric service, telephone, fire hydrants and street lighting, shall be approved by the public utility having jurisdiction and the Town Engineer and shall be installed at no cost to the Town as the Commission shall approve. In general, where such public utilities are available, they shall be used in lieu of on-site facilities.
6. All proposals for on-site water supply and sewage disposal facilities shall be subject to the specific approval by the Town's Department of Health.
7. No privately owned reserve strips of land which, in the opinion of the Commission, show an intent on the part of the subdivider to control access to land dedicated or to be dedicated to public use

shall be permitted except where the control of the land comprising such strips is placed within the jurisdiction of the Town under conditions approved by the Commission.

8. The subdivider may develop the subdivision in progressive stages instead of in its entirety, but no subdivision or portion thereof shall be considered unless it abuts a street as defined herein and in the Zoning Regulations.

SECTION B. SUBDIVISION PLAN PROCEDURE

Processing of all subdivision applications shall comply in full with the provisions set forth in the General Statutes of the State of Connecticut, as amended, and with these Regulations.

The final layout, supporting drawings, reports, documents, fee, and application form for a proposed subdivision constitute the only formal and complete submission of the petition for approval. Following approval by the Commission, the requirements set forth in ARTICLE V must be complied with and the successful fulfillment of these requirements becomes the basis for the construction of the subdivision.

1. Subdivision Plan

The subdivision plan shall be prepared in accordance with the requirements set forth in ARTICLE III and ARTICLE IV of these Regulations.

2. Submission of Application for Approval

- a) An application, complying with all applicable requirements and on a form prescribed by the Commission, and including all required information specified within these Regulations, will be accepted by the Commission in accordance with the provisions of the General Statutes of the State of Connecticut, as amended.
- b) Such application shall include, as a minimum, the following elements:
 - Completed Application Form for Subdivision
 - Application fee, payable to the Town of Darien in an amount prescribed by the Schedule of Fees adopted by the Representative Town Meeting.
 - Complete list of names and addresses of current owners of record for all properties 100 feet or less distant from the subject property.
 - Deed, contract, option to buy, or other acceptable proof of ownership (or interest) in the subject parcel proposed for subdivision. In cases where the applicant is not the owner of the property, a letter of authorization, signed by the owner of record, shall be submitted.
 - Following any approval, the Commission may require a statement from the applicant's engineer, indicating estimated costs of construction of roads, environmental protection measures, planting and/or other required improvements, for the purpose of bonding.
 - Fifteen (15) copies of all plans and documents specified in ARTICLE III, as applicable.

- Copies of proposed deeds, agreements, conservation restrictions, easements, and documents required by the requirements of the Regulations.
 - Copies of any other documents or information required.
- c) No application is effective and final unless said application complies in all respects with the provisions of these Regulations, Connecticut Statutes and all applicable laws, regulations and requirements of the Town of Darien. In all matters wherein a formal application is submitted to the Commission, the application shall not be accepted until all required materials have been received, and written acceptance is given to the applicant by the office of the Planning and Zoning Commission.
- d) Upon receipt of the formal application and all required accompanying materials by the submission date prescribed by the Planning and Zoning Commission's Office, the Commission shall call a public hearing on the application.

At the public hearing, the Commission will give an opportunity to any persons to examine or comment upon the subdivision plan and its supporting documents.

- e) Not more than 20 days nor less than seven days before the date of an applicant's hearing, the applicant, or his legal representative, shall mail notification of his application, and the scheduled date, time and place of the hearing, to the owners of each parcel of property 100 feet or less distant from the subject property. The owners and their addresses shall be determined from the latest field cards in the Darien Tax Assessor's Office. At the hearing, the applicant, or his legal representative, shall submit evidence of the required mailing in the form of U.S. Postal Service Certificates of Mailing or similar proof of mailing, a list showing the names and addresses of the owners of all such properties, and a copy of the notification (including attachments) which was mailed.

Where there is more than one owner of a property, such as a condominium, each owner is to be notified by the applicant. If the applicant is not the owner of the subject property, the applicant shall formally notify the owner of the property of the pending application.

- f) The Commission will approve, modify and approve, or disapprove the subdivision application and will set forth any conditions to which an approval is subject, or the reasons for disapproval. The applicant shall be notified accordingly.
- g) If approved, the applicant shall have the Subdivision Plan and supporting plans revised to conform to any modifications called for in the Commission's action and shall complete all requirements set forth in Article V and the Commission's resolution of approval.
- h) An application for approval of a resubdivision shall be processed in the same manner as for a subdivision. A public hearing shall be called on all proposals for a resubdivision.

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III. ARTICLE III – PLAN AND APPLICATION REQUIREMENTS

SECTION A. SUBDIVISION PLAN COMPONENTS

The layout and supporting drawings, documents, proposed agreements or easements, and reports for a proposed subdivision constitute the only formal and complete submission of the subdivision application.

Plan maps shall be prepared on uniform size sheets, 24 inches by 36 inches overall, with a margin of two inches on the left side of the sheet. Such maps shall be clearly and legibly drawn with black waterproof ink, or printed on transparent linen, mylar, or similar permanent material acceptable for filing in the Town Land Records. The scale shall be one inch equals 10, 20, 30, 40, 50, or 100 feet, as appropriate.

Whenever the project area is of such size that more than one sheet is required, then an index map on the same size sheet shall accompany these sheets and reference shall be made by note on each sheet to the other sheets comprising the complete plan.

Final Subdivision Plans shall be prepared by a licensed land surveyor registered in the State of Connecticut and shall be comprised of the following elements and conform to the following specifications:

1. Record Plan

a) Lower right corner of sheet

Title block indicating subdivision name, scale, date, true north point, name and address of owner or owners, subdivider, surveyor and engineer.

(Note - Subdivision name shall not duplicate or closely approximate that of any other development in the Town)

b) Upper right corner of sheet

Location map at a scale of one (1) inch equals six hundred (600) feet, clearly indicating the location of the property with respect to surrounding properties and the existing street system.

c) Approval block to the immediate left of the title block reading:

"Approved by the Planning and Zoning Commission, Town of Darien Connecticut"

Resolution Number _____. Dated _____.

Signed _____. Dated _____.
Chairman

- d) Locations and dimensions of all existing and proposed lot lines and property boundaries with accurate lengths to the nearest hundredth (1/100) of a foot and angles or bearings to the nearest ten (10) seconds.
- e) Lot or parcel areas to the nearest thousandth (1/1000) of an acre.
- f) Radii of all curves and lengths of arcs.
- g) Side lines of abutting lots and the names, from Town Tax Records, of the current abutting property owners.
- h) Zone districts from the official Town Zoning Map.
- i) Street rights-of-way, existing and proposed, including street lines on both sides of the street, and where the proposed street intersects with an existing street, all existing street lines for a minimum distance of two hundred feet shall be shown.
- j) Location, material, and approximate size of existing and proposed monuments. Monuments sufficient to accurately and permanently fix the on-ground locations and boundaries of all proposed street lines and open space parcels shall be provided as a minimum, and shall comply in all respects with prevailing Town Standards.
- k) Names of existing and proposed streets.
- l) Other rights-of-way and easements, including identification, description, location, width and other data necessary as determined by the Commission.
- m) Open space parcels, accessways, wetlands, building lines, regulated areas, reserved parcels, covenant or deed restriction lines, flood insurance or flood encroachment lines, and other similar areas and lines affecting development, including minimum setback lines as specified by the Zoning Regulations or these Regulations. Areas to be reserved for open space shall show appropriate locations with dimensions and areas.
- n) Lot numbers.
- o) Location of existing and proposed waterbodies and streams including Mean High Tide line where subdivision is adjacent to a tidewater.
- p) Certification with date, signature and seal of registered land surveyor.
- q) Approximate locations of dwellings on adjacent lots.

After review, the Commission may require the addition of a note or notes expressing provisions to be made for water supply, public utilities, sewage disposal, fire protection, easements, reservations, or any other data or conditions the Commission judges necessary to insure the public health, safety or welfare, including specified stipulations of approval.

As supporting data for the Record Plan, the information requirements set forth in the remainder of this Article shall be submitted, or requirements adhered to, as required by the Commission.

2. Construction Sheets

Detailed data and construction specifications shall be set forth on necessary construction sheets as required by the nature of the proposal and shall be considered to be part of the Record Plan and so noted on that Plan. These supplemental sheets shall incorporate the following:

- a) Title and approval blocks as per Record Plan specifications.
- b) Basic subdivision data as set forth under Subsection 1. above.
- c) Contours from the Town of Darien topographic map, or special survey of at least comparable accuracy and detail, with contours of five-foot intervals or less, whichever the Commission deems necessary.
- d) Proposed land contours, plantings and related information where natural conditions of the site are to be disturbed. In all such cases, two (2) foot contour intervals shall be used and based upon accurate data. (See Section 'D' below).
- e) Locations of existing and proposed structures, driveways, wells, septic tanks, leaching fields, wetlands, major trees, streams, ponds, walls, and related types and forms of physical site features. These shall be required to be shown in detail where probable environmental or drainage problems exist.
- f) Typical cross sections of proposed streets, sidewalks and culverts.
- g) Profiles of proposed streets at suitable vertical scale showing finished grades in relation to existing ground elevation at center line for entire length of roadway.
- h) Locations of street trees, street lighting standards, street signs; the location, type, site and elevations of any existing and proposed sanitary sewers, storm water drains and structures; fire hydrants, the exact location and size of all water, gas or other utilities and structures; and detailed descriptions of all other required improvements.
- i) Standard construction details, profiles and specifications for all proposed construction of streets and drainage facilities, developed in compliance with the requirements of the Town Engineer.
- j) Such other information as may be consistent with good engineering practice or as may be required by the Commission.
- k) Certification with signature and seal of a registered professional engineer.
- l) All plans shall bear the following note: "The approval by the Commission of a subdivision plan shall not be deemed to constitute or be evidence of an acceptance by the Town of any responsibility or liability whatsoever for the maintenance or condition of any street or drainage facilities shown on said plan or for the effects of drainage or other factors resulting from said subdivision on other properties."

- m) A note indicating that: "All improvements shown hereon shall be completed by _____ or the approval of this subdivision shall become null and void." The specified date shall be seven years from the date of the signing on behalf of the Commission of the final plans.

Where needs for environmental protection, the workability of accessways, locations for proposed structures, requirements for engineered septic systems, or other more precise requirements are established, the Commission shall specify that appropriate details be incorporated on the Construction Sheet (s) and the Commission may also require that such proposed improvements and developments be suitably staked out in the field, prior to their rendering any final decision.

3. Storm Drainage Data

The following information shall be provided to the Commission, as appropriate, at the time of submission of the final plans:

- a) Proposed drainage structures shall comply with the Town of Darien Standards in effect at the time of formal submission of the plan, or State requirements, if applicable.
- b) Required storm drainage information and details shall be included on construction sheets.
- c) Data which may be developed concerning watershed tributary and runoff to drainage systems and structures, computations used as a basis for design, selection of drainage systems and structures, and related data shall be submitted to the Commission as part of the application.
- d) A complete drainage system for the entire subdivision, with appropriate development stages for each of the final subdivision sections, shall be shown with all existing drainage features, and properly identified as existing or proposed.
- e) Where a watercourse separates the buildable area of a lot from the street by which it has access, provision shall be made for the installation of a culvert or other structure, of a design approved by the Town Engineer and the Environmental Protection Commission.
- f) All proposed surface drainage and stream structures shall be shown on the plans submitted to the Commission.
- g) Plans shall indicate adjacent, off-site drainage conditions, restrictions, or structures, in order to determine any effects on the proposed subdivision and potential effects on abutting or downstream properties.
- h) All appropriate details and dimensions necessary to clearly explain the proposed measures and facilities, including type of construction, material, top of frame, size, pitch, invert elevations, profiles or cross sections at fifty-foot intervals, proposed or existing streams to be modified, and related information shall be set forth as required.
- i) The following notes shall be added to all plans including provisions for surface drainage:
 - "Maintenance of all drainage facilities on private property shall be the responsibility of the property owner."

- "The drainage structures and proposals included in this development were designed by:

(name of design engineer)

using the best engineering practices and will not produce any negative results from storm runoff on this property or adjacent properties."

- Application fee, payable to the Town of Darien in an amount prescribed by the Schedule of Fees adopted by the Representative Town Meeting.

4. Accelerated Erosion and Sedimentation Control Plan

Where required under the terms of ARTICLE III Section 'D' herein, the following additional information shall be incorporated on the construction sheets:

- a) existing and proposed contours at an interval not exceeding two (2) feet based on field or aerial survey.
- b) locations of all critical environmental areas such as major rock outcrops, wetlands, watercourses, flood hazard areas, existing vegetation and similar information related specifically to the needs of this plan.
- c) soils information as required by the Commission.
- d) proposed areas of alteration, excavation or blasting including limits of clearing and grading, areas of cuts and fills, and storm water management where such applies to erosion and sedimentation requirements.
- e) vegetative and mechanical measures to be used both during and after construction for temporary and permanent erosion and sediment control.

In addition to the above data, the Town Engineer or the Commission may require the submission of cross section drawings covering the proposed excavation area and/or appropriate schedules for performing and completing required work.

SECTION B. SOIL SUITABILITY REPORT

Where on-site water supply and/or sewage disposal systems are proposed, the subdivision application shall be accompanied by a written report from the Director of Health, or his duly authorized representative, describing the Department's findings and recommendations relative to the adequacy of proposed provisions for water supply and/or sewage disposal and with respect to land drainage where pertinent to health considerations.

A copy of the applicant's report to the Health Department shall also be submitted.

All percolation test holes, soil profile pits, and other test areas shall be numbered and located on the appropriate Construction Sheet.

SECTION C. ENVIRONMENTAL EVALUATION

The Commission, or its staff, may require that an environmental analysis be conducted for the subject property. Such requirement shall be determined by the nature of the site, the scope and nature of the proposal, and/or previously documented problems or issues in the general area. Where such environmental analysis is required, the following procedures shall be adhered to:

1. An environmental impact assessment shall first be performed for the subject area. Such assessment shall cover the potential impacts of the proposal on the site and surrounding areas including, but not limited to, considerations relative to surface and subsurface drainage, tidal or inland flooding, water quality, accelerated erosion and sedimentation, effects on vegetation, and related factors. The report must be sufficiently specific to enable the Commission to determine if a more detailed environmental impact statement may be required. All such analyses shall be prepared by a qualified professional approved, in advance, by the Commission.
2. An environmental impact statement may be specifically required where the Commission deems such statement to be necessary. It shall be prepared by a qualified professional in conformance with guidelines established by the Commission.

In general, the statement shall incorporate the following:

- a) Description of property and proposal.
- b) Discussion of effects upon environment.
- c) Identification of adverse effects.
- d) Assessment of alternatives.
- e) Description of long term effects.
- f) Identification of any irreversible damage which may result from the project.
- g) Actions available to minimize adverse effects on the environment.

SECTION D. EROSION AND SEDIMENTATION CONTROL

1. All subdivision applications shall fully consider problems of accelerated erosion and sedimentation in accordance with the standards and specifications set forth in these Regulations, the "Erosion and Sedimentation Control Handbook" prepared by the United States Department of Agriculture, Soil Conservation Service, and other guidelines available in the Commission's office.
2. In the discretion of the Commission, or its designated agent, an applicant may also be required to submit a full erosion and sedimentation control plan concerned with all earth disturbing activities. This plan is to meet all requirements set forth in the cited handbook and other available guidelines, as the Commission may deem necessary. In addition to the written report, the mapped information set forth in ARTICLE III, Section A(4) shall be submitted.

3. The following criteria shall be considered in determining the appropriate devices and measures to be necessary and reasonable to prevent accelerated erosion and sedimentation:
 - a) exposing the smallest practical area of land at any one time during development, said exposure occurring for the shortest practical period of time.
 - b) maximizing the retention and protection of natural features of the land, both on-site and off-site.
 - c) preserving the boundaries and alignment of watercourses and wetlands, both on-site and off-site.
 - d) maximizing the use of temporary vegetation and mulching to protect critical areas exposed during development.
 - e) installing the permanent final vegetation and/or structures as soon as possible.
 - f) removing topsoil only from those areas intended for structures or other man-made improvements and redistributing said topsoil within the boundaries of the land being developed so as to provide a suitable base for seeding and planting. Unless specifically permitted by the Commission, topsoil shall not be removed from the site.
 - g) accommodating the increased runoff caused by the changed soil and surface conditions during and after development.
 - h) installing sediment basins wherever necessary.
 - i) filtering runoff from temporary and permanent roadways during construction to prevent siltation and erosion.
4. The Commission may require upon approval of a subdivision plan, where appropriate and reasonable under the circumstances, the construction of silt and sediment traps, the mulching and temporary or permanent planting of areas, the construction of diversions or other devices and measures necessary to prevent accelerated erosion and sedimentation.

The Commission, or agent thereof, may also impose any additional measures and limitations at any subsequent time, whenever conditions arise which require the taking of additional precautions or imposition of controls to prevent accelerated erosion and sedimentation.

However, it shall be the responsibility of the applicant, successor or assigns to perform all earth disturbing activities in such a manner to properly comply with the intent of this section.

SECTION E. MONITORING DURING CONSTRUCTION

The Commission may require the subdivider to engage a qualified environmentalist to monitor construction/ development on the subject site to assure that all terms of the approval relative to environmental needs and factors are being adhered to properly. The environmentalist shall report to the Commission as directed.

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IV. ARTICLE IV – LAYOUT AND DESIGN REQUIREMENTS

SECTION A. NATURAL CONDITIONS

1. Preservation of Existing Topography

- a) Land to be subdivided shall be designed and improved in reasonable conformity to existing topography in order to minimize required grading, cut and fill. The natural contours shall be retained, insofar as possible, to minimize storm water run-off, and conserve the natural vegetative cover and soil. [See ARTICLE III, Section A. 4.]
- b) No top soil, sand or gravel shall be removed from any lots until all necessary permits shall be received from the Town of Darien and State of Connecticut, if applicable.

2. Preservation of Environmental Features

- a) Due regard shall be given to the preservation and potential enhancement of irreplaceable natural features, natural drainage patterns, scenic points, trails, watercourses and other assets of a community nature through harmonious design of the subdivision.
- b) A conscious effort shall be made to preserve all worthwhile trees and shrubs which exist on the site. On individual lots or parcels, care shall be given to preserve selected trees to enhance the landscape treatment of the development. In general, the following criteria shall apply to the preservation of trees:
 - If a tree is of a common species, extraordinary efforts shall be made to preserve it only if it is of large size (12 inch diameter or greater) and in healthy condition.
 - If a tree is of a rare species, extraordinary efforts shall be made regardless of size.
 - If the tree or trees are located at an important location on the site, the design of the subdivision shall reflect requirements to preserve them. Such locations shall include, but not be limited to, street trees, noise and visual buffers, wind screens, groves and other comparable types.
- c) The Commission may require additional exhibits and plans to demonstrate the means of protection for above said assets. Deed covenants, easements, or other conservation restrictions may be required to assure that proper protection shall be achieved now and in the future.

3. Relationship to Potential Flood Areas

- a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to one foot above the base flood elevation. The minimum first floor elevation for each lot shall be designated on the plan.

SECTION B. LOT LAYOUT

1. The minimum size, shape, and other aspects of lots shall be set forth as required by the Zoning Regulations for the zone in which it is located.
2. The lot arrangement shall be such that there will be no foreseeable difficulties, for reasons of topography, size of buildable area, or other conditions in complying with the Zoning Regulations in order to build on each lot. In no case, shall the shape of the lot or the size or location of the buildable area excessively restrict or limit the construction of future additions or placement of accessory structures.
3. No lot, regardless of size, which is rendered useless for building, according to sound engineering practice, shall be shown as a building lot on any subdivision. Such property must be included in adjoining lots or open space areas unless otherwise allowed by the Commission.
4. All side lines of lots shall be at right angles to straight street lines and radial to curved street lines, unless a variation from this rule will give a better street or lot plan, as determined by the Commission.
5. Corner lots shall be of sufficient dimensions so that any structure placed thereon shall conform to the building setback line of each street and adequate living area may be provided.
6. Depth of lots shall not, in general, exceed two and one-half times the width of the lot and shall not be designed to encourage the later creation of a second building lot to the rear.
7. Where possible, lots shall be so laid out that driveways have access to a local street and not to a major road carrying general traffic.
8. Lots backing upon a railroad right-of-way shall have a minimum depth of 150 feet.
9. Lots to be served by septic tanks shall be large enough to contain sufficient land of proper character to permit satisfactory performance of septic tank disposal fields, including required reserve areas. In general, where public water supply is available, such lots shall have an area of at least one-half acre, and where both private sewage disposal system and a well are to be located on the same lot, such lot should have at least one acre. These areas may be reduced, where the subdivider submits a certificate of a qualified sanitary engineer stating that the facilities as planned can be safely accommodated on the lot. The Commission shall require a report from a qualified sanitary engineer demonstrating that a suitable sanitary waste disposal system, including required reserve areas, can be provided on each lot of the proposed subdivision where lots are not to be served by public sewers. The Commission shall consider strongly the Department of Health's recommendations.
10. No land adjacent to the subdivision shall be withheld by the subdivider which is not capable of satisfactory subdivision into lots of the size required except for specified open space land.
11. If a tract being subdivided contains a waterbody, or portion thereof, lot lines shall be so drawn as to allocate the ownership of the waterbody among one or more adjacent lots. The Commission may approve an alternative plan whereby the ownership of any responsibility for safe maintenance of the waterbody is so placed that it will not become the Town's responsibility.

12. Whenever access to a subdivision is to be provided only across land in another municipality, the Commission shall determine that a road giving such access has been legally established and that such road is adequately improved, or that a performance bond has been duly executed and is sufficient in amount to assure the construction of the road. Lot lines, wherever possible, shall be laid out so as not to cross Town boundary lines.
13. Where a tract is proposed to be subdivided into lots averaging more than double the required size under the Zoning Regulations, the Commission may require that such lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to properly serve such potential lots.
14. Whenever lots of a proposed subdivision are situated within a business zone, such lots shall be of sufficient size and dimensions to permit adequate provisions for off-street loading, unloading and parking.

SECTION C. OPEN SPACE

1. An essential purpose of these Regulations is the preservation and conservation of land in a natural condition for perpetuity in order to create buffers against noise and air pollution, and to protect natural environmental systems, vegetation, wildlife, climate, scenery, natural history, areas of archaeological significance, residential privacy and natural resources, including, but not limited to, edges of watercourses, tidewaters, lakes and ponds, wherever they occur within subdivisions.
2. Every subdivision and resubdivision which encompasses land in area equal to or greater than three (3) times the minimum lot size for the Zone (s) in which located, shall be required to dedicate, as a permanent open space reservation, land not less in amount than ten percent (10%) of the aggregate area of the subdivision tract. The required dedicated open space land shall be in addition to all land required by the Zoning Regulations and the Subdivision Regulations to meet minimum lot, street, accessway and other development requirements and may be in addition to lands protected under Conservation Restrictions or Easements.
3. The required open space land shall be in a location and of a character approved by the Planning and Zoning Commission, and may be required to have street frontage or an access easement determined adequate by the Commission, and shall be fully delineated on the Subdivision Plan. Required open space land shall, in addition, be consistent in location with open space shown on the adopted Town Plan of Development. A proper deed conveying the open space in perpetuity shall be approved by the Planning and Zoning Commission prior to the approval of the subdivision. The filing of this deed and the filing of the plan in the Land Records shall be simultaneous. The Planning and Zoning Commission may require that the land be deeded to an agency such as the Town Environmental Protection Commission or the Darien Land Trust, or in certain instances, to a Homeowner's Association or an individual in conjunction with a conservation restriction or easement to be held by the Land Trust or other appropriate third party.
4. Use of the reserved open space land shall generally be limited to conservation, scenic or buffer uses as determined appropriate by the Planning and Zoning Commission. Notes or other details on the plan may provide for preservation of the land in its natural character so that it shall not in the future be built upon or in any way altered.

5. Legal instruments establishing the ownership and maintenance responsibility of the open space parcel or parcels shall accompany each subdivision application, and shall require approval by the Planning and Zoning Commission. The Commission, in approving such instruments, shall specify that their text shall become binding permanent covenants and may require that conservation easements be established for education and other similar purposes that do not require altering the land. All open space shall be properly monumented.
6. In addition to permanent open space requirements, the Commission may require, as a condition of approving any plan, the use of Conservation Restrictions or Easements to protect and preserve for perpetuity those natural or unique features which enhance the character of environment of the area or which are critical to the proper use and development of an area.

SECTION D. EXISTING STREETS

These special standards are applicable only to existing streets. Streets which provide either frontage or direct access to the property being subdivided and which already exist as streets on the date of subdivision applications, shall be required to comply with the following standards:

- Where the Planning and Zoning Commission judges that the specified standards for street design can be reasonably met, and that prospective traffic needs require such improvement, the standards given shall apply, or:
- Where the Planning and Zoning Commission judges, however, that the circumstances of the existing street, and the traffic needs of the street, are such that the Town Standards cannot reasonably be fulfilled, the Commission shall require that layout and development of the existing street be provided consistent with specific standards which it shall determine in each case are adequate in that case for: safety of traffic using the roadway; adequacy of access by emergency vehicles; essential maneuvering by service and maintenance vehicles; and pedestrian safety; and in consideration of the number of dwellings or lots to be served. Such individual street standards, where adopted by the Commission, shall be binding on the applicant in lieu of the Town Standards and shall be fully inscribed on the subdivision plan.
- Waivers of such improvements may cause the roadway to be ineligible for acceptance as a public highway.

SECTION E. NEW STREET LAYOUTS

1. Streets shall be related appropriately to the topography, and all streets shall be arranged so as to obtain as many as possible of the building sites at, or above, the grades of the streets.
2. All streets and highways shall be designed and constructed in accordance with the current Town Road Specifications.
3. Local streets shall be laid out so that their use for through traffic will be discouraged. Particular attention should be given to eliminating possible bypasses around traffic signals and major intersections.

4. Where streets do not extend to the boundaries of the tract, they shall be generally separated from such boundaries of the tract, by a distance not less than the minimum lot depth prescribed by the Zoning Regulations for the zoning district in which the proposed subdivision is located.
5. Streets shall be of sufficient width, suitably located and adequately constructed to accommodate the prospective traffic, and to afford access of firefighting, snow removal, and other road maintenance equipment, and shall be coordinated so as to compose a convenient traffic system. The arrangement of streets shall be such as to cause no undue hardship to adjoining properties.
6. The arrangement of streets in the subdivision shall provide for the continuation of principal streets of adjoining subdivisions, and for proper projection of principal streets in adjoining property which is not yet subdivided, in order to make possible necessary fire protection, movement of traffic and the construction or extension, presently or when later required, of needed utilities and public services such as sewers, water and drainage facilities. Where topographic or other conditions make such continuance impractical, in the opinion of the Commission, the above requirement may be modified.
7. Minor or secondary street openings into a major road shall, in general, be at least 500 feet apart.
8. Except where impractical, all streets shall join each other so that for a distance of at least 100 feet the street is at right angles to the street it joins.
9. Cross (four-cornered) street intersections shall be avoided insofar as possible, except as shown on the Town Plan of Development or at other important intersections. A distance of at least 150 feet shall be maintained between center lines of offset intersecting streets.
10. Every attempt shall be made to conform to an overall street pattern as laid out in the Town Plan of Development or by the Commission through its own deliberations.

SECTION F. CUL-DE-SAC STREETS

1. Except where connections may be possible, dead end or cul-de-sac streets should not, in general, exceed one thousand, two hundred (1,200) feet in length nor serve more than fourteen (14) lots. They shall be equipped with a turnaround roadway at the closed end having a minimum right-of-way diameter of one hundred and thirty feet. The center circle of such cul-de-sac shall be suitably landscaped to the satisfaction of the Commission. Where there is a possibility of extension of a cul-de-sac, there shall be a notation on the Record Plan stating that all segments of the turnaround, outside the normal right-of-way, shall be returned to the record owners of adjacent properties at such time as the turnaround is eliminated. If a development includes land reverting to abutting owners, the surplus pavement shall be removed at the expense of the developer of the street extension and the area shall be regraded, topsoiled to a minimum depth of six (6) inches, and seeded.
2. The terminus of permanent cul-de-sac streets shall normally not be nearer to an adjoining property boundary than one hundred (100) feet, or the minimum lot depth prescribed by the Planning and Zoning Commission, whichever is greater. However, the Commission may require the reservation of a twenty (20) foot wide easement to accommodate drainage facilities and utilities, and a public way to accommodate pedestrian traffic.

3. Under certain conditions set forth below, the Commission may authorize the provision of a Low Volume Local Residential Street, as defined in these Regulations. Such street may be constructed to separate design standards established for such street classification, but prevailing Town standards shall be adhered to with regard to construction.

SECTION G. STANDARDS FOR STREET DESIGN

1. Streets and utilities shall be graded, constructed and improved in accordance with the requirements of these Regulations and with Town standard specifications where applicable. Such construction and improvements, where required by the Planning and Zoning Commission, shall be shown on a Subdivision Construction Sheet approved by the Planning and Zoning Commission and the Town Engineer and shall be located and built as shown on the said sheet. Such construction and improvements shall include, but not be limited to, streets and roadways, sidewalks, storm drainage facilities, curbing and guard rails, street trees and landscaping, fire hydrants, street signs and lighting, access drives to lot lines, and underground mains or conduits for water, sanitary sewer, gas, electric, and telephone services.
2. Where street widths and right-of-way conditions permit, all required utilities shall be installed underground in the right-of-way at the edge of the travel way (or pavement) of the street. Locations and depths of the proposed utility lines shall be based on the requirements of the respective utility companies or Town departments, as shown by their written approval of the subdivision's provisions, and shall be installed as shown on the subdivision construction sheet approved by the Planning and Zoning Commission. The subdivider shall install underground service connections to the front property line of each lot within the subdivision for all required utilities, before the street is paved.
3. Street classification may be indicated on the Town Plan of Development. Otherwise, it shall be determined by the Commission.
4. Where the subdivision borders an existing street and additional land is required for realignment or widening of such street as indicated by the Town Plan of Development or otherwise determined by the Commission to be necessary, such additional land shall either be dedicated as part of such street as indicated on the Subdivision Plan, or shall be conveyed to the Town and marked on the Plan "Reserved for Street Realignment (or Widening) Purposes".
5. Upon written request of the applicant, the Commission may classify a proposed street as a "Low Volume Local Residential" Street. This may be done only when the road meets all of the following conditions:
 - a) Proposed street shall not exceed eight hundred (800) feet in total length.
 - b) Proposed street will serve eight (8) or less building lots.
 - c) Proposed street will not terminate any closer than one hundred (100) feet from an existing street.
 - d) The Town shall not assume any responsibility or liability for maintenance, including snowplowing or repair of such street.

- e) Such street shall remain a private road and at no time in the future can it be accepted as a public highway unless it shall be reconstructed to meet all prevailing Town Standards.

6. Geometric standards for various road classifications shall be as follows:

	Local Residential Streets	Low Volume Local Residential Streets
Minimum width of right-of-way	50 feet	50 feet (refer to note 'B' below)
Minimum width of pavement (excluding curbs or gutters)	26 feet	20 feet
Minimum radius of horizontal curves of street line	125 feet	125 feet
Minimum radius at intersection of subdivision street w/ existing	30 feet	30 feet
Minimum radius of horizontal street line curves at entrance to turnaround	50 feet	N.A.
Minimum radius of circular turnaround at street line	65 feet	65 feet (refer to note 'A' below)
Minimum radius of horizontal curve at intersection of two (2) roadways	30 feet	30 feet
Minimum length of vertical curves at surface of pavement	100 feet but not less than 20 feet for each 1% algebraic difference of grade	100 feet but not less than 20 feet for each 1% algebraic difference of grade
Minimum length of tangents between reverse curves (refer to note 'C' below)	100 feet	100 feet
Maximum grade (refer to note 'D' below)	8 percent	10 percent
Minimum grade (refer to note 'D' below)	1 percent	1 percent

Notes:

- A. In lieu of a full sized cul-de-sac, a "hammerhead" or back-around may be provided. Such turning area shall have a minimum depth of sixth-five (65) feet (20 feet plus 45 feet) on each leg with a forty-five (45) foot radius at the inner intersection of the "hammerhead" and roadway (refer to Figure 1 on page IV-8).
- B. All roadway construction shall meet the Town of Darien Department of Public Works "Standards for Roads and Drainage" except for roadway width.
- C. Minimum shall not apply to curves at entrance to turnarounds.
- D. Minimum grades of vertical curves shall be one (1) percent calculated from the PVT or PVC to the high point or low point of the curve.

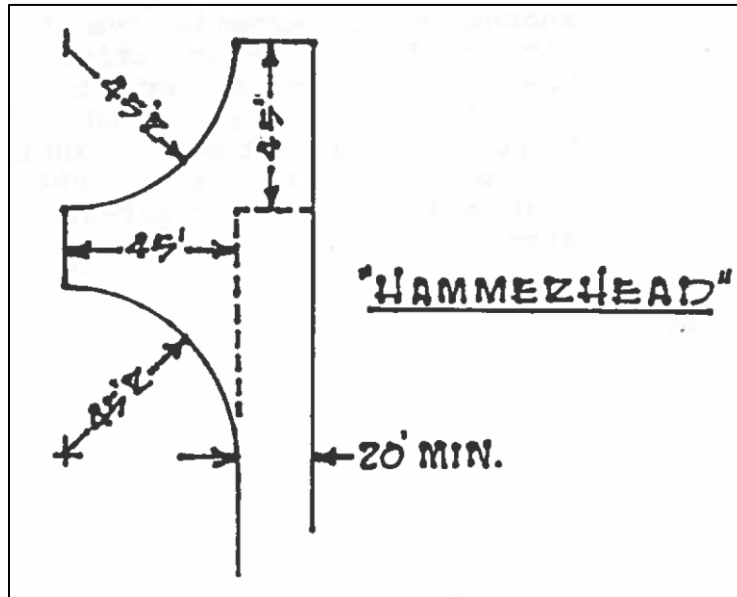


Figure 1

7. Streets shall be graded and improved with pavement, sidewalks, street trees, drainage facilities, water, sewers, and fire hydrants. The Commission may waive such improvements as it considers omission to be without jeopardy to the public health, safety and convenience. Such waivers may, however, render the roadway ineligible for acceptance as a public highway.
8. Street trees shall be planted on both sides of a street except where unnecessary because of existing tree growth. Trees shall generally:
 - a) Be spaced approximately thirty-five (35) feet apart, subject to variations made necessary by driveways and street corners as well as species of trees, and located near the front property line.
 - b) Have a caliper of two to two and one-half inches or larger (measured four feet above the root crown) and a height of at least eight feet, except in the case of ornamental trees such as dogwoods. The species of trees and planting specifications shall be recommended by the Commission and undesirable trees located within any street right-of-way shall be removed by the subdivider at the direction of the Commission or Town Engineer.
 - c) Suitable provisions shall be made to guarantee that street trees shall thrive for a period of not less than one (1) year.
9. Where topography is such as to make impractical the inclusion of utilities within the street lines, permanent easements at least fifteen (15) feet in width shall be provided across properties outside the street lines, and with satisfactory access to the street.
10. A combination of steep grades and curves shall be avoided. Where the grade of a street intersecting another street exceeds five (5) percent, the land at each corner of such intersection shall be so graded as to prevent a blind corner and sufficient land shall be included in the street right-of-way at the intersection to permit permanent maintenance of visibility for traffic safety. In all cases, the first thirty (30) feet measured from the right-of-way line of the existing street shall be constructed at a one (1) percent grade.

SECTION H. STREET NAMES

1. Proposed street names shall be substantially different so as not to be confused in sound or spelling with present names in the Town, except that streets that join or are in alignment with streets of an abutting or neighboring property shall bear the same name.
2. Streets shall have names and not numbers or letters such as 1st or First Street.

SECTION I. DRAINAGE IMPROVEMENTS

1. Drainage shall be designed to provide a zero increase in peak runoff by the use of retention or detention systems and the backup computations shall be provided as part of the application. A final outlet shall be provided to give actual fifty (50) year design storm capacity to insure positive drainage in case of a malfunction of the detention or retention systems.
2. A culvert or other drainage facility shall, in each case, be large enough to accommodate potential run-off from its entire upstream drainage area, whether inside or outside the subdivision. The Town Engineer shall determine the necessary size of facility based on anticipated run-off from a fifty (50) year storm under the conditions of total potential development permitted in the watershed by the Zoning Regulations.
3. The Town Engineer shall also study the effect of each subdivision on existing downstream drainage facilities outside the area of the subdivision. Where it is anticipated that additional run-off incident to the development of the subdivision will overload an existing downstream drainage facility during a fifty (50) year storm, the Commission shall not approve the subdivision until the subdivider has made such provision for the improvement of said potential condition as the Commission deems reasonable. The Commission shall notify the Board of Selectmen of such potential condition where Town facilities may be involved.
4. The developer may be required by the Commission to carry away by pipe or open swale, as determined by the Commission, any spring or surface water that may exist either previous to, or as a result of, the subdivision. Such drainage facilities shall be located in the street right-of-way where feasible, or in perpetual unobstructed easements of appropriate width.
5. Curbs or paved gutters shall be required where the grade of a street exceeds five (5) percent.
6. All drainage improvements shall be approved as to design and specifications by the Town Engineer.
7. Where a watercourse separates a proposed street from abutting property, provision shall be made for adequate drainage under any access to a lot. Culverts or other structures of a design approved by the Town Engineer and the Environmental Protection Commission shall be installed prior to the issuance of any Certificate of Occupancy for the lot.
8. All subdivisions shall comply with the requirements for Stormwater management as outlined within Section 880 et. seq. of the Darien Zoning Regulations.

[Revised 6/7/2009]

SECTION J. PRIVATE DRIVE STANDARDS

1. Private drives shall not exceed a ten percent (10%) grade.
2. The first thirty (30) feet from the edge of the paved street providing access shall not exceed a two percent (2%) grade.

SECTION K. PRIVATE RESTRICTIONS

The owner may place restrictions on the development greater than those required by the Zoning Regulations. The greater restrictions, however, shall be indicated on the plan submitted.

SECTION L. SOLAR ACCESS PROTECTION

In a subdivision where solar access is deemed desirable or necessary by the Planning and Zoning Commission, the following regulations shall be applied.

Solar access may not be necessary: 1 - On the north side of a hill, 2 - where buffer strips have been required by the Town which block solar access, 3 - where other actions taken by the Town block solar access.

1. Orientation

a) Building Orientation.

Buildings should be oriented with the long axis oriented east and west with a possible ten (10) degree variation to northwest and a possible twenty-five (25) degree variation to the southwest. This creates the best possibility that large roofs and walls may receive solar radiation.

b) Lot Orientation.

Whenever possible lot lines should be oriented so that they run east and west or north and south, which directions have the best opportunity for orienting buildings toward the sun.

c) Street Orientation.

Where the topography and soil/ledge conditions will permit, streets shall be oriented so that they run in an east-west direction. In the case of new subdivisions where the topography, soil/ledge or previous street orientation prohibits east-west orientation of new streets the layout of the lots and buildings shall be adjusted for orientation to the sun. (As in a. and b. above).

2. Vegetation Siting

a) Existing Vegetation.

In order to protect as much existing vegetation as possible and still allow for solar access, buildings should be located in that location which protects and ensures long life to the youngest and healthiest trees, bushes and plants.

b) New Vegetation.

Planting plans for new development shall be submitted which ensure that no new vegetation (e.g. street trees) denies new buildings solar access. If new vegetation is planned or required, a shadow plan shall be submitted identifying location, species and shadow area at maturity.

3. Special Requirements

a) Fences and Walls.

No fences or walls shall be placed on a lot or attached to a new building which shall deny solar access.

b) Solar Surface.

Each lot must have solar access to at least one of the following: (1) roof, (2) wall, or (3) open lot.

These Regulations make every effort to provide solar access to all property. However, should the developer demur, the Planning Commission must be held harmless and that shall be noted on the approved plan.

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V. ARTICLE V – COMPLETION OF SUBDIVISION **APPROVAL**

SECTION A. COMPLETION OF IMPROVEMENTS

Following the Commission's approval of a subdivision plan, the subdivider shall then be required to complete, or assure the proper completion of, all improvements specified in the Commission's action approving the application in the following manners:

1. Completed Improvements

Required improvements, including the placement of specified monuments, construction of drainage or erosion control facilities, street construction and other such activities, may be completed prior to the filing of the approved plan. Otherwise, a bond shall be posted.

2. Improvements Required by Unforeseen Conditions

If it shall appear, during the course of the construction of any new road, or any change in an existing road, or any other improvements required by the Commission in connection with the final approval of the plans, profiles, and specifications thereof, that additional work, or requirements are necessary, owing to unforeseen situations such as but not limited to, side hill drainage from cuts, ledge rock, or other conditions which were not apparent at the time of the final approval by the Commission, the Commission may modify the terms and conditions of the final approval so as to require such additional bond or work to be done as may be necessary to conform to accepted engineering practices.

3. Posting of Bond

A bond to the Town, in an amount and with surety and conditions satisfactory to the Commission, Town Engineer and the Board of Selectmen, where its jurisdiction is involved, shall be submitted. It shall be sufficient to secure to the Town the satisfactory construction and installation of the required improvements by the Town in the event of the failure of the applicant to do so within the time fixed by the Commission and specified in the bond. Such Bond:

- a) May be secured by a surety company, savings account passbook or letter of credit. Such bond shall be satisfactory to the Commission and to Town Counsel as to form, sufficiency and manner of execution.
- b) Shall specify the time within which all improvements shall be finished.
- c) Shall provide that the surety mentioned above shall become immediately available to the Town on the date mentioned in Subsection (b) above, for application toward the completion of such required improvements as have not been completed on the said date.
- d) Shall provide that fifteen (15) percent cash shall be retained by the Town for a period of one (1) or more years after the actual completion of the required improvements to assure their maintenance in adequate condition.

4. Improvements to be Completed Before Occupancy Is Allowed

No Certificate of Occupancy shall be issued for any dwelling or other structure subject to a Building Permit, within any subdivision approved by the Planning and Zoning Commission, until the Town Engineer shall certify in writing to the Building Official that all improvements required by the approved subdivision plan, to serve that section of the subdivision in which the dwelling or other structure lies, have been satisfactorily completed, except for the following:

- a) Final surface treatment (wearing surface of the roadway and sidewalks).
- b) Standard street sign.
- c) Curb and guard rail (as required).
- d) Topsoil, seeding and street trees.
- e) At the discretion of the Town Engineer, such other minor installations as will not interfere with proper access and drainage, and are best deferred to final completion of all required construction.

If occupancy of any structure within a subdivision is proposed prior to completion of all required improvements, the subdivider shall show on the approved construction sheet (which is made part of the final subdivision plan) those sections which will be completed as units, as provided above, unless those sections which provide access to it or drainage from it are also satisfactorily completed.

5. Utilities

For all utilities required by the approval of the subdivision, the Commission may require assurance in writing from each public utility company whose facilities are proposed to be installed. Such written assurance shall be addressed to the Commission and include a statement, in writing, from such public utility company stating that it will make the installations necessary for the furnishing of its services within the time therein specified.

6. Maintenance Bond

In appropriate situations, the Commission may require that a bond, in an amount and with surety and conditions satisfactory to it, be secured to the Town for the construction and maintenance of such improvements, landscaping or utilities for a period to be specified in the bond.

7. Release of Bond

No bond or bonds shall be released or reduced in amount until the work covered by the bond has been inspected and certified as having been satisfactorily completed and shall be signed by a professional engineer stating the roadway, drainage, and site improvements have been constructed in accordance with Town Standards and as required in the subdivision or site plan approval and further, until the Commission has approved the reduction or release.

8. Extension of Bond

The applicant shall notify the Commission, in writing, of his inability to complete work within the time specified in the bond and, in such notification which shall be made immediately upon the necessity for an extension becoming apparent, shall set forth:

- detailed reasons for the inability to complete the work within the time specified in the bond.
- amount of work which has been completed.
- estimated time required to complete all work.
- a period for which extension of the bond is requested.

Any such extension shall be approved by the Commission in writing. Where necessary, because of changed conditions, the Commission may require an increase in the amount of the surety as a condition of its approval.

9. Failure to Complete Improvements

Failure to complete all required improvements within seven (7) years of the date of the Commission's approval shall result in automatic expiration of the approval in accordance with the terms of the General Statutes. This includes, but is not limited to, the construction of roads, storm drainage facilities, water and sewer lines, the setting aside of open space and recreation areas, conservation easements, installations of telephone and electric services, planting of required trees or other features. In all such situations, the Commission may, at its discretion, declare bonds to be forfeited and/or a new approval must be sought and shall be subject to all regulations and standards in effect at that time.

10. Monuments

Monuments, approved by the Town Engineer, shall be set in all streets, open space parcels and other locations in accordance with the approved plan and under the terms of this section.

SECTION B. INSPECTION

The Town Engineer, or other officials designated by the Commission, shall inspect required improvements during construction to assure their satisfactory completion, and the Commission shall require a certificate from such officials stating that all required improvements have been satisfactorily completed. If the Town Engineer finds, upon inspection, that any of the required improvements have not been constructed in accordance with the approved plans, the applicant shall be notified and shall be responsible for completing said improvements according to specifications. If such inspections of required improvements during construction are not made, neither the applicant nor the bonding company shall be in any respect relieved of responsibilities thereby.

1. Notification

In order to facilitate inspection of required improvements during construction, the applicant shall notify the Town Engineer at least three (3) business days before he proceeds with each of the following stages of construction of a new street or a change of an existing street:

- Rough grading completed.
- Drainage and all other underground facilities installed, and prior to backfilling.
- Graveling and rolling being done.
- Stone base being installed with penetration and chipping of stone base.
- Surfacing being done.

The applicant shall not proceed to work on any stage subsequent to the first stage until each stage of the work is inspected and approved by the Town Engineer or other authorized inspector.

In the case of other improvements, the Town Engineer or other authorized inspector shall inspect the work at such progressive stages as he shall specify, and he shall advise the Commission that the work was inspected by him and was completed in accordance with the approved plans and specifications.

2. Prior to the signing of the Record Plan by the Chairman, a written agreement in form satisfactory to the Town authorizing the Town to enter onto land to be granted to the Town for easements or streets as shown on the subdivision plan shall be provided. This shall be done for purposes of inspecting required improvements or completing them in the event of the failure of the applicant to make, maintain or otherwise not properly finish such improvements until the Town has assumed all responsibilities for them.

SECTION C. EASEMENTS AND AGREEMENTS

1. Final Approval

All applicable grants, easements and agreements to the Town shall be approved in final form by Town Counsel.

2. Filing in Land Records

All easements, agreements, and related types of documents shall be recorded in the Land Records of the Town but not until the final subdivision plans shall have been endorsed by the Chairman or Secretary of the Commission, and filed by the applicant in the Land Records of the Town, and until any necessary action shall have been taken by any other appropriate Town body or bodies.

Generally, the recording of these instruments shall be filed with the Town Clerk simultaneously with the Record Plan for the subdivision.

SECTION D. DISPOSITION OF FINAL PLAN

1. Final Review and Approval

Two (2) tracing-cloth or mylar originals of the approved Subdivision Plan and supporting sheets and documents shall be submitted to the Planning and Zoning Commission office. After determining that they comply in all respects with the Commission's resolution approving the subdivision plan, the tracing-cloth or mylar originals of the subdivision plan shall be endorsed by the Chairman or Secretary of the Commission. One of these originals will be returned to the applicant.

2. Filing of the Plan

In accordance with State Law, the applicant shall file with the Town Clerk the signed original of the Subdivision Plan and related documents.

The approval of any plan not so filed shall expire ninety (90) days from the date of such approval.

3. After Filing

Within thirty (30) days after the date of filing, the applicant shall submit to the Commission eight (8) prints of the supporting sheets and documents and eight (8) prints of the Subdivision Plan showing the endorsement of the Town Clerk.

4. No changes, erasures, modifications or revisions shall be made in any subdivision plan after approval has been given by the Commission and endorsed in writing on said plan. In the event that any subdivision plan; when recorded, contains any changes, the plan shall be considered null and void, and the Commission shall then file a correct plan, as approved, noting the reason for such filing.

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VI. ARTICLE VI – DEFINITIONS AND WORD USAGE

For the purpose of these Regulations, certain words used herein are defined as follows:

ACCELERATED EROSION -	Any increase over the rate of natural erosion as a result of earth disturbing activities.
BOARD OF SELECTMEN -	The Board of Selectmen of the Town of Darien, Connecticut.
BLOCK -	An area of land bounded by streets; in a section only partially developed, the area along a street between intersecting streets.
COMMISSION -	The Planning and Zoning Commission of the Town of Darien, Connecticut.
CONSERVATION RESTRICTION -	A negative easement or other restriction placed upon a property, or portion thereof, which is legally binding on present and future owners and which shall specifically restrict certain rights over the area such as the cutting of trees, building of structures, regrading of the land, or other similar forms of activity. These rights shall be transferred to the Town or other body by a legal document which shall be approved by the Commission.
EARTH DISTURBING ACTIVITIES -	Any use of land that results in a change in the natural cover or topography and that may cause or contribute to erosion and sedimentation.
EASEMENT -	Authorization by a property owner for the use by another, and for a specified purpose, of any designated portion or portions of his property.
ENGINEER -	A professional engineer licensed by the State of Connecticut.
ENVIRONMENTAL IMPACT ASSESSMENT -	An overview of all impacts of a proposed subdivision. Such a study is intended to determine if a proposed development will have any adverse effects on the environment or the general area.

ENVIRONMENTAL
IMPACT STATEMENT -

A detailed and complete report of all possible impacts that a subdivision may have on a proposed site - either positive or negative.

EROSION -

The wearing away of land surface by the action of wind, water, gravity, or any combination thereof.

EROSION AND
SEDIMENTATION CONTROL
HANDBOOK -

The publication prepared by the Soil Conservation Service, Storrs, Connecticut, including any modification, supplement, or revision thereof, which is on file in the Commission's office.

FLOOD PLAIN -

Any land area susceptible to being partially or completely inundated by water from any source.

GENERAL STATUTES -

The General Statutes of the State of Connecticut, as amended.

OPEN SPACE -

The land area of a subdivision officially designated as a permanent open space parcel or parcels.

RESUBDIVISION -

A change in a map of an approved or recorded subdivision or resubdivision if such change affects any street layout shown on such map, affects any area reserved thereon for public use, or diminishes the size of any lot and creates an additional building lot, if any of the lots shown thereon have been conveyed after the approval or recording of such map.

SEDIMENTATION -

The process by which mineral or organic matter is accumulated or deposited by moving wind, water or gravity.

SOLAR ACCESS -

Access which protects solar energy collection areas from being blocked or shadowed from direct sun exposure between the hours of 10:00 A.M. and 2:00 P.M.

SOLAR COLLECTOR -

A device or combination of devices, or parts of a device, that requires access to the sunlight in order to transform direct solar energy into

	thermal, mechanical, chemical or electrical energy that will contribute significantly to the structures energy supply. The collector should be oriented to within 22 1/2 degrees true south.
SOLAR RETROFIT -	The addition of materials and/or devices to an existing building to provide energy from solar collection.
STREET -	A public or private thoroughfare which affords the principal means of access to abutting property. The term "street" shall mean and include only: (1) a street that was laid out on a map filed in the Darien Town Clerk's office prior to October 6, 1924, (2) a street accepted as a Town street, or (3) a street whose layout has been approved by the Planning and Zoning Commission.
STREET, DEAD END OR CUL-DE-SAC -	A street or portion of a street with only one (1) vehicular traffic outlet.
STREET, MAJOR -	A street which is used primarily as a route for traffic between communities or large sections of the Town. Also any street shown as a major artery and so designated on the Town Plan of Development.
STREET PAVEMENT -	The wearing or exposed surface of the road used by vehicular traffic.
STREET RIGHT-OF-WAY -	The area between property lines reserved for use of any street. Its width shall be measured at right angles to the center line of the street.
STREET, SECONDARY -	A street which serves, or is designed to serve, as a traffic way for a neighborhood or as a feeder to a major street, and is so designated on the Town Plan of Development.
STREET PAVEMENT WIDTH -	The horizontal distance of the street pavement, excluding curbs and gutters.
SUBDIVIDER -	Any person, firm, corporation, partnership or association who shall lay out for the purpose of sale or development any subdivision or part thereof as defined herein, either for himself or others.

SUBDIVISION -

The division of a tract or parcel of land into three (3) or more parts or lots subsequent to December 6, 1951 for the purpose, whether immediate or future, of sale or building development, expressly excluding development for municipal, conservation or agricultural purposes, and including resubdivision.

SUBDIVISION PLAN -

The final plan, map or drawing on which the subdivider's plan of subdivision is presented to the Commission for approval, and which, if approved may be signed by the Chairman or Secretary of the Commission and submitted to the Town Clerk for recording.

TOWN ENGINEER -

The Director of Public Works, Assistant Director of Public Works or other Town official specifically designated to represent the Town's interests on engineering matters.

TOWN PLAN OF
DEVELOPMENT -

The Town of Darien Plan of Development prepared and adopted by the Commission pursuant to the General Statutes of the State of Connecticut, as amended, and including any part of such plan separately adopted and any amendment to such plan or parts thereof

VII. ARTICLE VII - MISCELLANEOUS

SECTION A. WAIVERS

The Commission may waive certain requirements under these regulations by not less than a three-quarters vote of all the members of the Commission and only in cases where conditions exist which affect the subject land and are not generally applicable to other land in the area. No waiver shall be granted that would have a significant adverse effect on adjacent property or on public health and safety. The Commission shall state upon its records the reasons for granting such waiver.

SECTION B. RESUBDIVISION

These regulations shall also apply to the resubdivision of previously subdivided property. Plans of resubdivision will not be acted upon by the Commission until after a Public Hearing.

SECTION C. APPEALS

Any person aggrieved by an official action of the Planning and Zoning Commission may appeal therefrom as provided by statute.

SECTION D. AMENDMENTS

These regulations may be amended as provided by statute.

SECTION E. SEVERABILITY

If any section, subsection, paragraph, clause or phrase in these regulations shall for any reason, be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of these regulations.

SECTION F. REPEALER

All subdivision regulations previously adopted for the Town of Darien are hereby amended as shown herein.

SECTION G. WHEN EFFECTIVE

The foregoing regulations are prepared by the Darien Planning and Zoning Commission and adopted on March 10, 1992 to become effective at 12:01 A.M. on April 5, 1992 after publication of the notice of decision and filing with the Town Clerk. The Commission may further amend these regulations and the effective date of such amendment(s) shall be established by the Commission and shall be reflected in a revised version of Appendix B - Schedule of Amendments.

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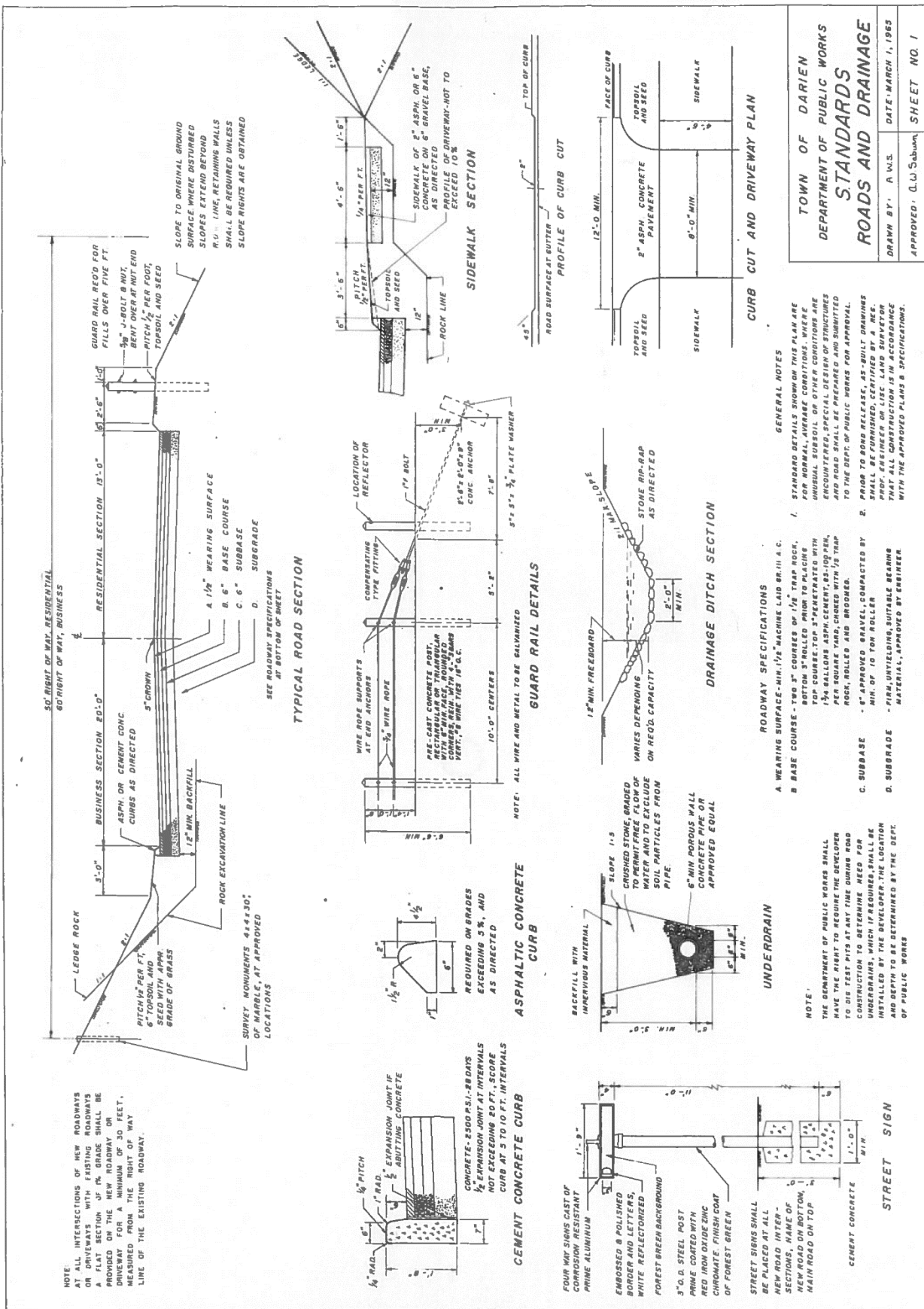
VIII. APPENDIX A – TOWN CONSTRUCTION STANDARDS

TOWN OF DARIEN
DEPARTMENT OF PUBLIC WORKS
STANDARDS
FOR
ROADS AND DRAINAGE

EFFECTIVE DATE: APRIL 1, 1965

LAST REVISED: SEPTEMBER 15, 1977

These standards are subject to revision/updating by the Director of Public Works



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IX. APPENDIX B – SCHEDULE OF AMENDMENTS

Amendment Number	Adopted	Effective Date	Section(s)	Revised Page Numbers
1	5/12/2009	6/7/2009	Article IV, Section I	IV-9